

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 15-1693 JVS (JCGx)	Date	November 3, 2015
Title	<u>Ventura Foods, LLC v. Marian Foods, Inc.</u>		

Present: The Honorable	James V. Selna	
	Karla J. Tunis	Not Present
	Deputy Clerk	Court Reporter
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
Not Present	Not Present	

Proceedings: (IN CHAMBERS) Order To Show Cause re Jurisdiction

The Court has made a preliminary review of the jurisdictional allegations in the:

X Complaint, filed October 20, 2015 by Ventura Foods, LLC (“Ventura Foods”)

Notice of Removal (“Notice”).

The initial pleading invokes jurisdiction Court on the basis of diversity of citizenship, 28 U.S.C. § 1332. (Complaint, ¶ 5.) Jurisdiction on this basis requires complete diversity.

The following party to the action is alleged to be a limited liability company (“LLC”):

Ventura Foods

For purposes of diversity jurisdiction, an LLC takes on the citizenship of each of its members. Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999). In order to determine diversity, the Court must consider the citizenship of each LLC member, and if a member is an LLC, the citizenship of its members. Presently, the Court cannot tell if jurisdiction has been properly invoked.

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Ventura Foods is ordered to file an amended initial pleading within 15 days identifying each member of the alleged LLC and the member's citizenship and principal place of business as the date of the filing of the initial pleading. If any member is itself an LLC, the same information shall be provided for each subtier member, and if need be, for each successive subtier.

Failure to respond may result is dismissal of the action for lack of jurisdiction.

_____:_____
Initials of Preparer kjt